

Docket No: P-0204

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 9587

Chin Tae KIM et al.

Group Art Unit: 3628

Serial No.: 09/837,291

Examiner: Ojo O Oyebisi

Filed: April 19, 2001

Customer No.: 34610

For: PURCHASING SYSTEM ON INTERNET AND METHOD THEREOF

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated December 11, 2008, appellants are attaching an Appeal Brief that contains a clean copy of the claims on appeal. This Appeal Brief corresponds to the Appeal Brief previously submitted on April 30, 2007. The Patent Office has made an error as set forth below.

On July 6, 2006, applicants filed an Amendment After Final Rejection under 37 C.F.R. §1.116. The Patent Office subsequently issued an Advisory Action on August 10, 2006. The Advisory Action indicated that for purposes of appeal, the amendments would be entered. See box 7 and box 7b of the Advisory Action. The Advisory Action therefore indicates that if applicants were to file an appeal to the U.S. Board of Patent Appeals and Interferences, then the amendments filed on July 6, 2006 would be entered.

Applicants subsequently filed an Appeal Brief on January 25, 2007 and an Appeal Brief on April 30, 2007 (in response to a Notice of Non-Compliant Appeal Brief). The Appeal Brief filed on April 30, 2007 (hereafter referred to as the Appeal Brief) included the claim amendments presented in the Amendment filed on July 6, 2006. The July 6, 2006 amendments should have been entered for purposes of appeal based on the statement in the Advisory Action indicating that the amendments would be entered upon filing of an appeal. In the Status of Amendments section (page 2 of the Appeal Brief), appellants stated that all amendments filed in this application have been entered.

The Examiner's Answer dated August 16, 2007 states that the Amendment After Final Rejection filed on July 6, 2006 has not been entered. Appellants respectfully submit that this statement is in error. That is, the Advisory Action indicated that the amendments presented in the Amendment filed July 6, 2006 would be entered upon the filing of an appeal. The amendments as filed on July 6, 2006 should have been entered. Appellants respectfully submit that the Claims Appendix in the attached Appeal Brief is correct by including the amendments in the Amendment filed July 6, 2006.

Appellants' undersigned attorney contacted Supervisory Examiner Thomas Dixon on December 11 to discuss entry of the July 6, 2006 amendments based on the Advisory Action statement that the amendments would be entered upon the filing of an appeal. The above statements are made based on that conversation.

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Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



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Attachment: Appeal Brief

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Date: January 12, 2009